

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GB2003086PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/050369	International filing date (day/month/year) 29.07.2004	Priority date (day/month/year) 08.08.2003
International Patent Classification (IPC) or national classification and IPC E06B3/663, E06B3/54		
Applicant SAINT-GOBAIN GLASS FRANCE		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-14</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>1-19</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/1</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>* If item 4 applies, some or all of those sheets may be marked "superseded."</p>

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 7, 9-11, 12, 14-16, 19	YES
	Claims	1, 2, 4, 5, 6, 8, 13, 17, 18	NO
Inventive step (IS)	Claims	3	YES
	Claims	1-2, 4-19	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. In the present report, reference is made to the following documents:

D1: US 5 533 314 A

D2: WO 01/38680 A

D3: EP 0314120 A

D4: EP 0918119 A

2. INDEPENDENT CLAIMS 1 AND 17

- 2.1 Claims 1 and 17 are not clear and fail to comply with the requirements of PCT Article 6, in so far as the subject matter for which protection is sought has not been clearly defined. The expression "laminated element" used in said claims is ill suited to the embodiment wherein the substrates are indirectly bonded together, since this embodiment includes conventional insulating double glazing. Given that a person skilled in the art would not consider conventional double glazing to be a laminated element, a lack of clarity arises.

- 2.2 Furthermore, irrespective of the above-mentioned lack of clarity, the subject matter of claims 1 and 17 is not novel within the meaning of PCT Article 33(2).

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	<p>Consequently, the requirements of PCT Article 33(1) are not met.</p> <p>D1 describes (the references between parentheses apply to figures 1 and 9 of said document):</p> <p>a plate-shaped element provided with a first substrate (11) and a second substrate (12), which are indirectly bonded together (14, 15), and with at least one supporting element (25) associated with the first substrate (11) for fastening the element onto an infrastructure and an active position fastening (26) of the second substrate (12); said position fastening is only active between the first substrate (11) and the second substrate (12) and is placed at a distance from the edge of the latter.</p> <p>D1 also describes:</p> <p>a plate-shaped element provided with a first substrate (11) and a second substrate (12), which are indirectly bonded together (14, 15) by means of a spacing means (13), and at least one supporting element (25) associated with the first substrate (11) for fastening the element to an infrastructure and an active position fastening (26) of the second substrate (12); said position fastening is only active between the spacing means and the second substrate (12).</p> <p>D1 thus describes all the features of claims 1 and 17.</p> <p>2.3 In the light of D2, the present application fails to meet the requirement of PCT Article 33(2).</p> <p>D2 describes (the references between parentheses apply</p>

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to said document):

a plate-shaped element provided with a first substrate (14) and a second substrate (12), which are indirectly bonded together (page 4, lines 7 to 13), and at least one supporting element (50) associated with the first substrate (14) for fastening the element to an infrastructure and an active position fastening (32) of the second substrate (12); said position fastening is only active between the first substrate (14) and the second substrate (12) and is placed at a distance from the edge of the latter.

D2 also describes:

a plate-shaped element provided with a first substrate (14) and a second substrate (12), which are indirectly bonded together (page 4, lines 7 to 13) by means of a spacing means (16), and at least one supporting element (50) associated with the first substrate (14) for fastening the element to an infrastructure and an active position fastening (32) of the second substrate (12); said position fastening is only active between the spacing means (16) and the second substrate (12).

D2 thus describes all the features of claims 1 and 17.

3. CLAIM 3

With regard to laminated elements wherein two substrates are assembled by surface bonding by means of a layer of adhesive, the prior art only describes safety mechanisms that connect the second substrate directly to an infrastructure and not active

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mechanisms between the first and the second substrates
(see D3, figure 13 and D4, figure 1).

Consequently, adding to claims 1 and 17 the feature
according to which the two substrates are mutually
assembled by surface bonding by means of a layer of
adhesive (see claim 3) would establish novelty over
the cited documents. Moreover, by deleting the
expression "at least indirectly", such a claim would
become clear within the meaning of PCT Article 6.
